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9 AND INNA BADRAN

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SOUTHERN DIVISION**

13 TAMARA MORRIS, MARY
14 RUSSELL, DESIRE VALDEZ, AND
15 INNA BADRAN,

16 PLAINTIFFS,

17 V.

18 PORTFOLIO RECOVERY
19 ASSOCIATES, LLC, A CALIFORNIA
20 LIMITED LIABILITY COMPANY;
21 AND DOES 1-10, INCLUSIVE,

22 DEFENDANTS.

CASE NO.

COMPLAINT FOR DAMAGES FOR
VIOLATIONS OF TELEPHONE
CONSUMER PROTECTION ACT, 47
U.S.C. §227, *ET SEQ.*

JURY TRIAL DEMANDED

23 For this Complaint, the Plaintiffs, by and through their undersigned counsel,
24 based on information garnered from Plaintiffs and investigations by their counsel,
25 hereby state as follows:
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1 PRA systematically ignored each of Plaintiffs' do-not-call directives, and barraged
2 them with calls without their consent and over their objections. In fact, there was not a
3 single instance in which PRA honored a do-not-call directive from any of the
4 Plaintiffs.

5 22. Even after being told to stop calling, PRA bombarded Plaintiffs with calls
6 on an almost daily basis, multiple times a day, for weeks and months on end. The calls
7 began early in the mornings and persisted well into the evening hours. Plaintiffs
8 estimate they sometimes received upwards of fifteen calls from PRA in a single day.

9 23. PRA's calls to Plaintiffs were particularly bothersome because they were
10 automated. When Plaintiffs answered the calls, PRA sometimes used an automated
11 voice, and Plaintiffs were forced to wait in silence for an available representative with
12 whom they could speak. Other times Plaintiffs answered calls from PRA, and heard
13 only silence and PRA's telephone system never transferred them to a live
14 representative. Other times still, Plaintiffs answered and PRA's telephone system
15 terminated the call. When Plaintiffs did not answer, PRA clogged their voicemails
16 with blank and/or automated messages.

17 24. PRA added to Plaintiffs' frustration by calling from many different phone
18 numbers, and by blocking the caller identification such that Plaintiffs would not know
19 it was PRA calling. Plaintiffs sometimes blocked PRA's telephone number in an effort
20 to stop the calls, only to find that PRA would start calling them from a different phone
21 number.

22 25. Plaintiffs were often times met with rude and abusive representatives
23 when they asked that the calls stop. PRA representatives typically openly and openly
24 refused to honor Plaintiffs' do-not-call requests. Representatives sometimes insisted
25 the calls would, and could, continue until such time as the debt was paid. Some
26 representatives terminated the call when told to stop calling, other times
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1 representatives ignored the request all together and became loud and aggressive
2 attempting to bully Plaintiffs into making immediate payment.

3 26. Specifically, in or around 2011 and 2012, Plaintiff, Badran, received debt
4 collection calls from PRA on her cellular telephone in an attempt to collect a debt. Ms.
5 Badran advised PRA she was a victim of identity theft and instructed PRA to cease all
6 communications. PRA ignored Badran and continued to harass her with automated
7 calls.

8 28. In or around 2013, Plaintiff, Russell, began receiving automated calls
9 from PRA on her cellular telephone in an attempt to collect a debt. Ms. Russell
10 directed PRA to stop calling. PRA nonetheless continued to harass Ms. Russell with
11 automated calls.

12 29. In or around 2012, Plaintiff, Desire Valdez began receiving automated
13 calls from PRA in an attempt to collect a debt. Ms. Valdez told PRA representatives to
14 stop calling. PRA nonetheless continued to harass Ms. Valdez with automated calls.

15 30. In or around 2012, Plaintiff Tamara Morris began receiving automated
16 calls from PRA in an attempt to collect a debt. Ms. Morris told PRA representatives to
17 stop calling. PRA nonetheless continued to harass Ms. Valdez with automated calls.

18 31. The calls from PRA intruded on Plaintiffs' right to be free from
19 unwarranted invasions. By ignoring Plaintiffs' demands to stop calling, PRA caused
20 Plaintiffs, and each of them, frustration, aggravation, and distress. The calls from PRA
21 interfered with Plaintiffs' ability to use their cellular telephones in the manner in
22 which they were intended, interrupted important calls, wasted their time, interfered
23 with work days, disrupted them while driving, and disturbed quiet evenings and
24 family time.

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COUNT I
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. §227, ET. SEQ.

32. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

33. PRA knowingly and/or willfully called Plaintiffs without their consent and or their objections.

34. Without prior consent, PRA placed calls to Plaintiffs using an automated telephone dialing system and/or an automated or prerecorded voice on their cellular telephones in violation of 47 U.S.C. §227(b)(1)(A)(iii).

35. Insofar as PRA knew it had no consent to call Plaintiffs on their cellular telephones, the calls were made in knowing and/or willful violation of the TCPA. As such, PRA should be subject to treble damages for each call pursuant to 47 U.S.C. §227(b)(3)(C).

36. When PRA called Plaintiffs, its telephone dialing system had the capacity to store randomly or sequentially generated telephone numbers, and randomly or sequentially dialed telephone numbers.

37. PRA's telephone system used an automated voice when it placed calls to Plaintiffs.

38. The calls from PRA to Plaintiffs were not placed for "emergency purposes" as defined by 47 U.S.C. §227(b)(1)(A)(i).

39. Plaintiffs are entitled to damages as a result of PRA's TCPA violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against the Defendants:

1. As a result of each call made in negligent violation of the TCPA, Plaintiffs, and each of them, are entitled to an award of \$500.00 in statutory damages

1 per call, pursuant to 47 U.S.C. §227(b)(3)(B);

2 2. As a result of each call made in knowing and/or willful violation of the
3 TCPA, Plaintiffs, and each of them, are entitled to an award of treble damages in an
4 amount up to \$1,500.00 per call, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C.
5 §227(b)(3)(C);

6 3. An Order from the Court directing PRA to implement effective policies
7 and procedures to honor consumers' do-not-call directives;

8 4. An Order from the Court directing PRA to implement effective
9 procedures to avoid violations of the TCPA; and

10 5. Reasonable attorneys' fees and costs pursuant to Cal. Civ. Code §1021.5;
11 and

12 6. Such other and further relief as may be just and proper.
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14 DATED: June 7, 2017

TAMMY HUSSIN

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17 By: /s/ Tammy Hussin
18 Tammy Hussin, Esq.
19 Hussin Law
20 Attorney for Plaintiffs
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